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PREF, SMIG
SUBJECT: ISRAEL 2007 TIP REPORT, PART 1 OF 2

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11. (SBU) The following is post's input for the 2007 Trafficking in Persons Report. Embassy point of contact is Alan Holst, telephone (972) (3) 519-7437, fax 519-7484, email holstar@state.gov. The Government of Israel (GOI) has provided extensive written responses to post's questions on trafficking in the past, and is working diligently to provide complete answers this year as well. However, the GOI official in charge of collecting and editing answers from various branches of the government said that they need additional time to complete their response, which they anticipate will be ready by mid-March. As such, this cable has been prepared without the normal level of feedback from the GOI. Any reports received from the GOI or other sources after the deadline will be forwarded immediately to G/TIP. The following are post responses to the questions presented in refTel.

Overview of a country's activities to eliminate trafficking in persons

12. (SBU) The following answers respond to questions in paragraph 27, section A of the instructions cable.

QUESTION 1: Is the country a country of origin, transit, or destination for internationally trafficked men, women, or children?

ANSWER: Israel is a country of destination for internationally trafficked men and women.

QUESTION 2: Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for

what purpose.

ANSWER: GOI input pending.

QUESTION 3: Does the trafficking occur within the country's borders?

ANSWER: Yes.

QUESTION 4: Does it occur in territory outside of the government's control (e.g. in a civil war situation)?

ANSWER: No.

QUESTION 5: Are any estimates or reliable numbers available as to the extent or magnitude of the problem?

ANSWER: NGOs report a sharp decline in the number of women trafficked for the purposes of prostitution. Estimates of labor trafficking vary widely, from almost none to thousands. Histadrut, the Israeli trade union congress, reported that Israel does not face a problem of trafficking regarding migrant workers, saying that if such workers face problems of rights deprivations, i.e. non-payment of wages, they can complain against their employers and attain their full labor rights and benefits. Histadrut said that some migrant workers are discriminated against regarding their wages and work conditions in comparison to their Israeli counterparts but Histadrut does not define this as trafficking or forced labor.

GOI input pending.

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QUESTION 6: What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking.

ANSWER: NGO estimates are well considered, but lack empirical support. To quote NGO Isha L'Isha - Haifa Feminist Center (Isha L'Isha), there are no statistics. A Hebrew University Institute of Criminology grant proposal to produce an objective, independent, comprehensive study on the scope of trafficking was not recommended for funding by the State Department. GOI input pending.

QUESTION 7: How reliable are the numbers and these sources?

ANSWER: GOI input pending. NGO sources are reliable, but their numbers are only estimates.

QUESTION 8: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

ANSWER: According to Isha L'Isha, young people were at risk for sex trafficking. Isha L'Isha said that the Social Affairs Ministry was aware of 17,000 girls at risk, and that young boys were also at risk but were not reported in the official figures. For labor trafficking, NGO Kav LaOved reported that female caregivers and Thai agricultural workers were at highest risk. Kav LaOved also voiced concern about Nepali migrant workers because of the lack of Nepali diplomatic representation in Israel, which greatly complicated the passport process and put the migrant workers at much greater risk for exploitation through passport confiscation. GOI input pending.

13. (SBU) The following answers respond to questions in paragraph 27, section B of the instructions cable.

QUESTION 1: Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction).

ANSWER: Israel made considerable strides in the past year. In June 2006 Rachel Gershuni of the Ministry of Justice was appointed as the official anti-trafficking coordinator for all government agencies. In October 2006 the Knesset approved amendments to the trafficking law that expanded the definition to include labor trafficking. In December 2006 Gershuni established a team of NGO representatives and government officials to come up with recommendations for a national plan to combat trafficking. In January 2007 a multi-agency government committee approved a national plan to combat trafficking that addresses prevention, prosecution and protection. In January 2007 the Israel Ministry of Foreign Affairs, in collaboration with the Ministry of Justice and NGO Isha L'Isha, held a seminar - the first of its kind in Israel - on combating trafficking in persons that was attended by ambassadors, consuls and diplomatic representatives from Central and Eastern Europe and Central Asia.

The GOI coordinator has started training judges and other government officials to recognize and deal with trafficking problems. Following a meeting with the Director of the Courts Administration in January, the GOI coordinator prepared a document describing the new comprehensive trafficking law in order to disseminate knowledge about its main points among the judges. NGOs reported improved police

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attitudes concerning trafficking following their sessions to sensitize authorities to the problem. NGO Isha L'Isha estimated that the scope of trafficking in foreign women into Israel for prostitution purposes has dropped drastically, and that police treated victims better than in the past.

NGOs reported several continuing problems: bottlenecks in the courts that delay prosecution; inadequate sentencing; inadequate compensation for victims; lack of adequate shelter space and services, especially for victims of labor trafficking; and an internal trafficking problem, of undetermined scope, that NGOs said was still treated by authorities as a local prostitution issue rather than trafficking. Case of migrant workers whose contracts were exchanged between Israeli employers without the workers' knowledge or consent are another problem. NGOs provided anecdotal evidence of suspected cases of trafficking that they had brought to the attention of the government that were not acted upon, but numbers remain elusive. All NGOs praised the GOI coordinator for her efforts, and asked that the government allocate greater (adequate) resources for her to do her job. Post notes that neither the government nor NGOs have had adequate time since the passage of the new comprehensive anti-trafficking law in October 2006 to gauge its effect on labor trafficking.

QUESTION 2: Also briefly explain the political will to address trafficking in persons.

ANSWER: Political will in Israel to address trafficking in persons improved dramatically over the past year. This positive change is reflected in the Government and Knesset focus on enacting new legislation and in increased media attention. For example, on one "red letter day" Israel radio carried two extended interviews on TIP, one with Rachel Gershuni, the other with Zehava Gal-on, the Knesset member most responsible for the new trafficking legislation. The next step will be whether that new attitude translates into increased resources to combat trafficking and more vigorous prosecution and sentencing.

QUESTION 3: Other items to address may include: What kind of conditions are the victims trafficked into?

ANSWER: With the decline in sex trafficking, NGOs reported trafficking was generally for the purpose of labor. They said that victims were subject to poor living conditions, unreasonably long hours of work, withholding or underpayment

of salaries and benefits, and in some cases sexual abuse, especially among caregivers.

QUESTION 4: Which populations are targeted by the traffickers?

ANSWER: For prostitution, Isha L'Isha reported that except for 20 trafficking victims that arrived via Egypt, all other victims they encountered were already in Israel before 2006. For internal trafficking, NGO Machon Toda'a estimated that the groups at risk were new immigrants with poor means of survival, especially from Russia and Ethiopia. For labor, Kav LaOved reported that victims are mainly migrant workers from Thailand, China, India, Sri Lanka, the Philippines, Nepal, Moldova, Turkey, and Romania. Kav LaOved also reported an internal trafficking problem with Thai agricultural workers being bought and sold between Israeli employers in the field, without the workers' consent, and the NGO suggested that there might be a similar problem with Palestinian victims as well. Kav LaOved estimated that 40

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per cent of trafficking victims were Thai agricultural workers.

QUESTION 5: Who are the traffickers?

ANSWER: NGOs reported that organized crime elements had become the dominant traffickers in Israel.

QUESTION 6: What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?)

ANSWER: Isha L'Isha reported that many methods were used to approach victims during the reporting period: forced marriages; women sold by their families; lucrative job offers; women approached by a family friend; women approached by a friend recently returned from Israel; and women approached by a female friend who persuaded the victim to join her.

Labor traffickers often used job placement services, including official agencies in countries like China and Turkey. Even if the work was legitimate, some employers exploited the victims because debts owed to the agency that arranged the job put the victims in a position where they felt they could not risk losing the income required to pay back the fee. Sometimes the victim's community had paid the fees, and the debt therefore had additional social consequences. Machon Toda'a reported internal trafficking of young women approached by "lover boys" who slowly introduced them into the sex industry.

QUESTION 7: What methods are used to move the victims (e.g., are false documents being used?)

ANSWER: Our sources agreed that most victims entered Israel with valid visas. Isha L'Isha reported that false documents and false marriages were used to move some victims. Kav LaOved reported that at least 25 per cent of migrant workers entering Israel as caregivers -- mostly from Sri Lanka, India, Nepal and the Philippines -- were victims of "flying visas" where the victims arrived in Israel after paying thousands of dollars in "recruitment fees" only to find no employer waiting for them. According to Kav LaOved, deception as to the working conditions most often occurred in the country of origin.

14. (SBU) The following answers respond to questions in paragraph 27, section C of the instructions cable.

QUESTION 1: What are the limitations on the government's ability to address this problem in practice?

ANSWER: Budget constraints remain an issue, and the summer

2006 war in Lebanon diverted resources from all areas of government spending, including combating trafficking. Security concerns drew police attention from trafficking and other crimes to preventing terrorism. Historically problematic political relations with neighboring countries made cooperation on trafficking issues difficult. Issues at the border with Egypt raised concerns for trafficking as well as drug smuggling and terrorism. Lack of diplomatic representation in Israel by some source countries prevented some victims from seeking help.

QUESTION 2: For example, is funding for police or other institutions inadequate?

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¶7. (SBU) The following answers respond to questions in paragraph 28, section B of the instructions cable.

QUESTION 1: Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

ANSWER: The government-wide anti-trafficking coordinator is from the Ministry of Justice, but many agencies are involved. The committee that established the national plan to combat trafficking was comprised of directors-general of the ministries of justice, public security, interior, industry, trade and labor, foreign affairs, health and welfare, as well as the Prime Minister's Office and the police commissioner.

¶8. (SBU) (SBU) The following answers respond to questions in paragraph 28, section C of the instructions cable.

QUESTION 1: Are there, or have there been, government-run

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anti-trafficking information or education campaigns?

ANSWER: In January 2007 the Israel Ministry of Foreign Affairs, in collaboration with the Ministry of Justice and NGO Isha L'Isha, held a seminar - the first of its kind in Israel - on combating trafficking in persons that was attended by ambassadors, consuls and diplomatic representatives from Central and Eastern Europe and Central Asia. The GOI coordinator has started training judges and other government officials to recognize and deal with trafficking problems, and following a meeting with the Director of the Courts Administration in January, prepared a document describing the new comprehensive trafficking law in order to disseminate knowledge about its main points among the judges.

QUESTION 2: If so, briefly describe the campaign(s), including their objectives and effectiveness.

ANSWER: GOI input pending. Isha L'Isha reported a joint program with the government that distributed Russian-language fliers in source countries to inform potential victims that Israel is a destination country. Kav LaOved reported that an October 30, 2006 meeting at the Ministry of Education reached no decision on incorporating lectures on trafficking for forced labor into the curriculum.

QUESTION 3: Do the campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

ANSWER: In January 2007 the Israel Ministry of Foreign Affairs, in collaboration with the Ministry of Justice and NGO Isha L'Isha, held a seminar - the first of its kind in Israel - on combating trafficking in persons that was attended by ambassadors, consuls and diplomatic representatives from Central and Eastern Europe and Central Asia. Further GOI input pending.

¶9. (SBU) The following answers respond to questions in paragraph 28, section D of the instructions cable.

QUESTION 1: Does the government support other programs to prevent trafficking? (e.g. to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

ANSWER: GOI input pending.

¶10. (SBU) The following answers respond to questions in paragraph 28, section E of the instructions cable.

QUESTION 1: What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

ANSWER: Although they disagree on the scope of the problem and the resources needed to address it, relations are generally good between the government and anti-trafficking NGOs. The GOI TIP coordinator gets high marks for her efforts from all NGOs. As mentioned previously, the police were complimented for their improved attitudes. The Department of the Interior was cited by several NGOs as the one holdover from past official indifference, with their intransigence described as systemic rather than the result of attitudes transmitted from the current leadership.

NGO Hotline for Migrant Workers (Hotline) reported that

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following the passage of the recent comprehensive anti-trafficking legislation, the government established two inter-ministerial committees, one for sex trafficking and a second for labor trafficking. Hotline said that the GOI coordinator was very responsive when Hotline turned to her with requests or inquiries related to combating trafficking in Israel, and that they were invited to Knesset committee meetings related to the issue.

Isha L'Isha reported that NGO representatives were invited to cooperate with law enforcement personnel and compare their finding on the issue of trafficking in women's patterns through immigration. Isha L'Isha said this brought forward a "great leap" in both sides' understanding of the profile of a potential trafficking victim.

¶11. (SBU) The following answers respond to questions in paragraph 28, section F of the instructions cable.

QUESTION 1: Does the government monitor immigration and emigration patterns for evidence of trafficking?

ANSWER: GOI input pending.

QUESTION 2: Do law enforcement agencies screen for potential trafficking victims along borders?

ANSWER: Both the Ministry of the Interior and the Immigration Authority compile data on immigration/emigration patterns and trends, which they share with police intelligence and Border Police officials. The Ramon Border police Unit screens for potential trafficking victims along Israel's southern border with Egypt. Awaiting input on the number of individuals identified in the past year through this process.

¶12. (SBU) The following answers respond to questions in paragraph 28, section G of the instructions cable.

QUESTION 1: Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

ANSWER: GOI input pending. Hotline reported that they observed a lack of coordination between the Immigration Authority (IA) and the police, saying the IA does not have authority to conduct investigations into any issue that is not related to illegal residence in Israel, and therefore does not work in sufficient coordination with the other branches of the police to arrest traffickers and other employees of establishments that traffic women for sex. Isha L'Isha has called for a structure to help identify trafficking victims.

QUESTION 2: Does the government have a trafficking in persons working group or single point of contact?

ANSWER: Rachel Gershuni of the Ministry of Justice is the government's anti-trafficking coordinator.

QUESTION 3: Does the government have a public corruption task force?

ANSWER: Hotline reported that the Ministry of Justice Police Investigations Unit is authorized to investigate cases of crimes committed by policeman. Hotline also reported that the State Comptroller spoke out in his reports against the

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mistreatment of migrant workers and the harmful effects of the binding policy on the workers. GOI input pending.

¶13. (SBU) The following answers respond to questions in paragraph 28, section H of the instructions cable.

QUESTION 1: Does the government have a national plan of action to address trafficking in persons?

ANSWER: The GOI drafted in January a national plan to combat human trafficking for the purposes of slavery and forced labor, focusing on prosecution, prevention and protection. The committee stated five priorities during the first stage: dividing the work between enforcement agencies in order to increase the number of indictments against employers who use slavery or coercion; developing criteria for identifying victims of slavery; launching an information campaign in the workers' countries of origin to inform them of their rights; helping victims repatriate to their countries of origin; and formulating a package of services for victims, including safe houses and health care.

Five teams have been tasked with designing within the next three or four months operative steps to implement these objectives. The subcommittee that submitted the recommendations was appointed as a permanent subcommittee that will meet periodically to deal with problems and draft recommendations. The committee recognized that its recommendations may require changes in existing arrangements for the employment of foreign workers that "create a climate friendly to the development" of trafficking. The committee also emphasized that its recommendations constitute a national plan, not operational procedures that "will need to be designed in the wake of the plan."

Other committee recommendations include consideration of a policy that will not allow the entry of foreign workers from countries that have no diplomatic representation in Israel, clear procedures regarding the transfer of information among law enforcement agencies, enforcing existing laws prohibiting middleman fees, placement of social workers in detention facilities, legal aid to victims of slavery and labor trafficking, and heightened supervision of the Egyptian border.

QUESTION 2: If so, which agencies were involved in developing it?

ANSWER: The ministries of justice, public security,

interior, industry, trade and labor, foreign affairs, health and welfare, as well as the Prime Minister's Office and the police commissioner.

QUESTION 3: Were NGOs consulted in the process?

ANSWER: Yes.

QUESTION 4: What steps has the government taken to disseminate the action plan?

ANSWER: The GOI sent out a press release explaining the plan.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

14. (SBU) The following answers respond to questions in

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paragraph 29, section A of the instructions cable.

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

QUESTION 1: Does the country have a law specifically prohibiting trafficking in persons - both for sexual and non-sexual purposes (e.g. forced labor)?

ANSWER: Yes

QUESTION 2: If so, please specifically cite the name of the law and its date of enactment.

ANSWER: On October 19, 2006, Israel's Parliament, the Knesset, passed a new comprehensive trafficking law entitled Prohibition of Trafficking in Persons (Legislative Amendments) Law, 5766-2006. The law came into force on October 29.

QUESTION 3: Does the law(s) cover both internal and external (transnational) forms of trafficking?

ANSWER: Yes. However, NGOs reported that the government does not take the issue of internal trafficking seriously. Neither NGOs nor the government offered estimates of the extent of the internal trafficking problem.

QUESTION 4: If not, under what other laws can traffickers be prosecuted?

ANSWER: see below

QUESTION 5: For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion?

ANSWER: Yes. Further GOI input pending.

QUESTION 6: Are there other laws being used in trafficking cases?

ANSWER: GOI input pending.

QUESTION 7: Are these laws, taken together, adequate to cover the full scope of trafficking in persons?

ANSWER: With the passage of the new amendments criminalizing labor trafficking, NGOs reported that the laws are generally adequate to combat trafficking in persons. NGOs indicated that the most important improvements they want to see are in the enforcement of existing laws and increased support to trafficking victims, especially victims of labor trafficking.

Hotline opined that that the new anti-trafficking law does not cover all situations regarding trafficking in children because it does not have a separate definition for trafficking in children, although the penalty for trafficking children is more severe. Kav LaOved also said that the government has yet to acknowledge the problem of trafficking in minors. Isha L'Isha, on the other hand, reported no incidents of trafficking in minors.

NGOs reported that the issue with internal trafficking, either for the purpose of prostitution or for the purpose of labor, are government awareness of the problem and commitment

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to solving it rather than inadequate laws.

QUESTION 8: Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, e.g. civil forfeiture laws and laws against illegal debt.

ANSWER: GOI input pending.

¶15. (SBU) The following answers respond to questions in paragraph 29, section B of the instructions cable.

QUESTION 1: What are the penalties for trafficking people for sexual exploitation?

ANSWER: GOI input pending.

¶16. (SBU) The following answers respond to questions in paragraph 29, section C of the instructions cable -- Punishment of Labor Trafficking Offenses.

QUESTION 1: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude?

ANSWER: GOI input pending.

QUESTION 2: Do the government's laws provide for criminal punishment - i.e. jail time - for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being exploited in the destination country?

ANSWER: GOI input pending.

QUESTION 3: For employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

ANSWER: GOI input pending.

QUESTION 4: If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses?

ANSWER: Labor trafficking was only criminalized in the new law that took effect October 29, 2006.

¶17. (SBU) The following answers respond to questions in paragraph 29, section D of the instructions cable.

QUESTION 1: What are the prescribed penalties for rape or forcible sexual assault?

ANSWER: GOI input pending.

QUESTION 2: How do they compare to the prescribed and imposed penalties for crimes of trafficking for commercial sexual exploitation?

ANSWER: GOI input pending. Hotline reported that they checked 24 cases in Tel Aviv regional court and found prostitution sentences generally higher -- average five years compared to three years -- than trafficking cases.

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¶18. (SBU) The following answers respond to questions in paragraph 29, section E of the instructions cable.

QUESTION 1: Is prostitution legalized or decriminalized?

ANSWER: Yes.

QUESTION 2: Specifically, are the activities of the prostitute criminalized?

ANSWER: No.

QUESTION 3: Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized?

ANSWER: Activities associated with prostitution -- such as pimping, solicitation, running sex establishments, advertising, being a client of a minor, etc. -- are all illegal.

QUESTION 4: Are these laws enforced?

ANSWER: Yes.

QUESTION 5: If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and provincial authorities.

ANSWER: Minors below the age of 18 may not legally engage in prostitution.

¶19. (SBU) The following answers respond to questions in paragraph 29, section F of the instructions cable.

QUESTION 1: Has the government prosecuted any cases against traffickers?

ANSWER: GOI input pending.

QUESTION 2: If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available.

ANSWER: GOI input pending.

QUESTION 3: Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer?

ANSWER: N/A

QUESTION 4: Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service?

ANSWER: Too early to tell. New legislation on labor trafficking was just adopted in October 2006.

QUESTION 5: Are the traffickers serving the time sentenced?

If not, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

ANSWER: According to Hotline, yes. According to Israeli law, convicted parties are eligible to have a third of their sentence removed for good behavior.

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